IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 20TH SEPTEMBER 2006 / 29TH BHADRA 1928

RP.No. 823 of 2006(D)

AGAINST THE JUDGEMENT/ORDER IN OP.8650/2003 Dated 17/03/2003
.....

REVIEW PETITIONER/THIRD PARTY:

THE DIVISIONAL FOREST OFFICER,
NILAMBUR.

BY GOVERNMENT PLEADER SRI.MOHAN C. MENON

RESPONDENTS:
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1. OORSAMANNIL AHAMMED KUTTY HAJI,
S/O.ALAVI, AGED 65 YEARS,
THIRURANGADI TALUK, MALAPPURAM DIST.

2. THE SUB COLLECTOR, PERINTHALMANNA,
MALAPPURAM DIST.

3. THE VILLAGE OFFICER, PALLIPPADAM VILLAGE,
NILAMBUR TALUK, MALAPPURAM DIST.

R1 BY ADV. SRI.K.M.SATHYANATHA MENON

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ALONG WITH O.P. NO.8650/2003 & C.O.C. NO.1037/2006 ON 20/09/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

.....

R.P. No.823 of 2006 in O.P. No.8650 of 2003 &
O.P. No.8650 of 2003 &
C.O.C. No.1037 of 2006

.....

Dated this the 20th day of September, 2006.

ORDER

The O.P. was filed for direction to the revenue authorities to receive the tax. This court felt that a provisional collection of tax does not confer any title over the land if petitioner is not the owner of the land. Accordingly, revenue authorities were directed to receive the land tax provisionally subject to settlement of title over the properties. On account of non-compliance of the judgment, petitioner has filed the Contempt Case. The Government thereafter filed this review petition stating that land in respect of which petitioner wants to pay tax is vested forest and according to the Government, petitioner has no claim whatsoever over the same. The contention of the review petitioner is that the effort of the petitioner is to improve his case before the Forest Tribunal by remitting tax in respect of the property. I do not think under court orders petitioner should be permitted to create evidence to support his case pertaining to claim of land. In the circumstances, the review is allowed by recalling the judgment and dismissing the O.P. Consequently, Contempt Case also is dismissed.

C.N.RAMACHANDRAN NAIR
Judge

pms